IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 148 of 2005 (S/B)

Sundar Lal S/o Sri Gulab Ram,
R/o Joshi Khola Rajpura,
P.O. Almora, District Almora,
Presently posted as District Supply Officer,
Food and Civil Supply Department,
District Bageshwar. …… Petitioner

Versus

1. Secretary,
   Food and Civil Supply,
   Uttaranchal, Dehradun.
2. Commissioner,
   Food and Civil Supply,
   Uttaranchal, Dehradun.
3. District Magistrate,
   Bageshwar. …….. Respondents

Mr. S.S. Yadav, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for the State of Uttaranchal.

Coram: Hon. Cyriac Joseph, C.J.
Hon. B.C. Kandpal, J.

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

1. The petitioner challenges Annexure 3 order dated 30.06.2005 by which he is transferred from Bageshwar to Rudraprayag. It is contended that the said transfer is in violation of the guidelines issued by the Government. In **Arvind Mehrotra Vs State of Uttaranchal and others Writ Petition No. 57 of 2005 (S/B),** this Court has held that the guidelines for transfer issued by the Government are not legally enforceable and that any challenge against a transfer on the ground of violation of guidelines is not justiceable. It was also observed that the only remedy available to the Government employee in such a case is to make representation to the higher authorities in the Government. Hence, this writ petition is liable to be dismissed.

2. Learned counsel for the petitioner submits that the petitioner may be permitted to make a representation to the Government and the Government may be directed to consider and dispose of the same. We

make it clear that the dismissal of the writ petition will not stand in the way of the petitioner making a representation to the Government against the impugned transfer. If such a representation is submitted by the petitioner, the Government shall consider and dispose of the same in accordance with law as expeditiously as possible and at any rate, within a period of one month from the date of receipt of a copy of the representation.

3. The writ petition is disposed of in the above terms.

(B.C. Kandpal, J.) **(Cyriac Joseph, C.J.)**
20.07.2005 **20.07.2005**

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